



## State of New Jersey

DONALD T. DiFRANCESCO  
Acting Governor

Department of Environmental Protection  
Land Use Regulation Program  
P.O. Box 439, Trenton, NJ 08625-0439  
Fax # (609) 777-3656  
www.state.nj.us/dep/landuse

Robert C. Shinn, Jr.  
Commissioner

State of New Jersey  
N.J. Department of Transportation  
C/O Joseph Sweger  
1035 Parkway Avenue, P.O. Box 600  
Trenton, New Jersey 08625-0600

APR 10 2001

RE: Transition Area Waiver for Linear Development  
File No.1436-00-0004.1  
Applicant: New Jersey Dept. of Transportation  
Project: Route I-80 & Howard Blvd. Park & Ride Facility  
Route I-80 ROW and Block 70, Lot 1  
Mt. Arlington Borough; Morris County  
South Branch Raritan River Watershed; Raritan River Basin  
Rockaway River Watershed; Passaic Basin

Dear Mr. Sweger:

This letter is in response to your request for a special activity transition area waiver to modify the standard transition area on the above referenced property for the realignment of the eastbound on-ramp to Route 80 and the regrading of an existing gravel service road pursuant to N.J.A.C. 7:7A-7.4(a)2.

The Land Use Regulation Program has determined that the freshwater wetlands present on or adjacent to the above referenced property are of exceptional and intermediate resource value. Pursuant to N.J.A.C. 7:7A-6, a standard transition area of 150 feet is required adjacent to exceptional value wetlands and 50 feet is required adjacent to intermediate value wetlands. The submitted plan proposes to modify this standard transition area through the means of a special activity transition area waiver.

Section 7:7A-7 of the Freshwater Wetlands Protection Act Rules establishes the framework under which the standard transition area may be modified if the Department determines that the modification will result in minimal environmental impact and that the modified transition area will continue to serve the purposes and functions set forth in N.J.A.C. 7:7A-6.1(a) and (b). In addition, the Department may only grant a waiver for construction of a linear development in a transition area if it is determined that there is no feasible alternative location for the linear development pursuant to N.J.A.C. 7:7A-7.4(c).

Based upon a review of the submitted information, the Department has determined that there is no feasible alternative location for the linear development. As a result, the Department approves of the proposed modified transition area boundary line as shown on the plan map entitled "New Jersey Department of Transportation, Transition Area Waiver Plan, Route I-80 and Howard Boulevard Park & Ride Facility", dated December 2000, last revised March 20, 2001, and prepared by TAMS Consultants, Inc.

## Waiver Conditions

In addition to the standard conditions set forth in section 7:7A-7, the following special conditions must be met for the activity authorized under this transition area waiver.

1. The transition area shall not be reduced to less than the distance as shown on the referenced plan.
2. Disturbance to the transition area shall not exceed 0.336 of an acre or 14,640 square feet.

Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A 13:9B-1 et seq).

The freshwater wetlands and transition area boundary line, as determined in this letter, must be shown on any future site development plans. The line(s) should be labelled with the above file number and the following note:

"Freshwater Wetlands/Transition Area Boundary line as approved by NJDEP"

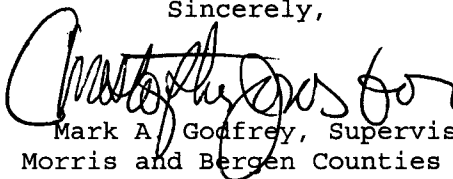
This determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required. You are entitled to rely upon this waiver/boundary determination for a period of five years from the date of this letter pursuant to the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-7.

## Appeal of Decision

In accordance with N.J.A.C. 7:7A-12.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

If you have any questions regarding this letter, please contact Daniel P. Shinder of my staff at (609) 633-9277. Be sure to indicate the Program's file number in any communication.

Sincerely,



Mark A. Godfrey, Supervisor  
Morris and Bergen Counties Region  
Bureau of Inland Regulation

c: Municipal Clerk  
Municipal Construction Official  
Mr. Joseph Sweger, NJDOT